

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL RESEARCH ADMINISTRATION  
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE  
DOMESTIC QUARANTINE NOTICES

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ADMINISTRATIVE INSTRUCTIONS AUTHORIZING THE MOVEMENT FROM  
PUERTO RICO OF FROZEN FRUITS AND VEGETABLES

On January 21, 1950, notice of proposed issuance of administrative instructions to be designated as 7 CFR 301.58-3c relating to the movement from Puerto Rico of frozen fruits and vegetables was published in the Federal Register (15 F.R. 365). After due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority conferred upon him by §§ 301.58-2 and 301.58-3 of the regulations supplemental to the Puerto Rican Fruit and Vegetable Quarantine (Notice of Quarantine No. 58, 7 CFR 301.58) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), hereby issues revised administrative instructions to appear as § 301.58-3c in Title 7, Code of Federal Regulations, as follows:

§ 301.58-3c Administrative instructions authorizing the movement from Puerto Rico of frozen fruits and vegetables. (a) The type of treatment hereinafter designated as freezing shall be one of the commercially-acceptable methods that involves initial freezing at subzero temperatures and subsequent storage at not higher than 0° F., with a storage tolerance of plus 20° F. Such treatments are commonly known as quick freezing, sharp freezing, frozen-pack, or cold-pack. Any equivalent freezing method is also included in this designation.

(b) The Chief of the Bureau of Entomology and Plant Quarantine is satisfied that the movement of all fruits and vegetables specified in § 301.58-2, when frozen, will not result in the dissemination of injurious insects. Accordingly, pursuant to the authority contained in the proviso of § 301.58-2, all fruits and vegetables specified therein, when frozen, are hereby removed from a prohibited status and are included in the list for which movement from Puerto Rico into or through any other State, Territory, or District is authorized in § 301.58-3. Freezing is hereby prescribed as an approved treatment meeting the treatment requirements for the movement of fruits and vegetables specified in § 301.58-3.1/

(c) The inspector in Puerto Rico shall determine that such fruits and vegetables are in a satisfactory frozen state before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Puerto Rico.

(d) The movement from Puerto Rico of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, be destroyed by freezing.

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1/ Further information concerning the movement of frozen fruits and vegetables from Puerto Rico may be obtained from the Bureau of Entomology and Plant Quarantine, Building "N", Puerto Rican Reconstruction Administration, Avenida Ponce de Leon, P.O. Box 3386, San Juan, P.R.



(e) Freezing of fruits and vegetables as authorized in these instructions is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for movement in accordance with these instructions.

The foregoing instructions supersede the administrative instructions in B. E. P. Q. No. 462, effective September 15, 1937 (7 CFR 319.56-2c) insofar as they relate to the movement from Puerto Rico of frozen-pack fruits.

This section shall be effective on and after March 9, 1950.

(Sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161; 7 CFR 301.58-2 and 301.58-3)

The purpose of these revised instructions is to authorize the movement from Puerto Rico under certification of fruits and vegetables frozen by one of the commercially-acceptable methods known as quick freezing, sharp freezing, frozen-pack, or cold-pack. By providing treatments alternative to those previously available, these instructions remove restrictions previously imposed. Accordingly, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after their publication in the Federal Register.

Done at Washington, D. C., this 24th day of February, 1950.

A handwritten signature in cursive script, reading "Avery S. Hoyt".

Acting Chief, Bureau of Entomology and Plant Quarantine